



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,186	06/26/2003	Cezary Marcjan	1026-093/MMM 301534.01	7627
27195 7590 11/29/2007 AMIN. TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			EXAMINER MURRAY, DANIEL C	
			ART UNIT 2143	PAPER NUMBER
			NOTIFICATION DATE 11/29/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket1@thepatentattorneys.com
hholmes@thepatentattorneys.com
osteuball@thepatentattorneys.com

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/609,186	MARCJAN, CEZARY	
	Examiner	Art Unit	
	Daniel Murray	2143	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13NOV2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) ~~as set forth in~~ (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-21.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.


DAVID WILEY
 SENIOR PATENT EXAMINER
 ART UNIT 2143

Continuation of 11. Does NOT place the application in condition for allowance because:

Applicants arguments filed on 13NOV2007 have been fully considered but they are not persuasive. The Examiner respectfully disagrees with the Applicant's arguments as the applied reference(s) provide more than adequate support and to further clarify (see comments in this section and Final Action mailed on 13SEP2007).

With respect to Applicant's argument regarding Kenyon et al. teaching sharing of all the computer objects and their associations as an overlay rather than sharing a computer object and its association with objects already present in a second computer space. Examiner respectfully disagrees. Examiner is unable to find in Kenyon et al. where it is stated that all computer objects are shared, of the types of objects referred to in Kenyon et al. (WWW sites, documents, emails, and share network files) it is when known that they may be shared both singly and as groups. Regarding all their associations being shared Kenyon et al. shows that associations in an overlay maybe shared as a whole or selectively. The user is able to define single associations, groups of associations, and to combine overlays themselves either automatically or selectively. (column 1 lines 66 -67, column 2 lines 1 -13 lines 41-47 lines 60-67, column 3 lines 20-29 lines 31-40, column 7 lines 10-23 lines 39-46).

With respect to Applicant's arguments regarding claims 1 and 10, Kenyon et al. being silent on sharing the selected object and automatically sharing association between the shared object and the existing object common to both the computer spaces. Examiner respectfully disagrees. Kenyon et al. clearly shows that the addressable objects referred to are objects that are well known to be sharable (WWW sites, documents, emails, share network files)(column 8 lines 32 -36). Kenyon et al. clearly shows that the associations are embedded in the computer objects and would be transferred with the document should it be shared. The overlay is downloadable and can be made available globally. The computer object and its associations are clearly shared (and is meant to be shared) between users (column 5 lines 14-29, column 6 lines 59-66, column 7 lines 10-26).

With respect to Applicant's arguments regarding claims 15 and 19, Kenyon et al. being silent on storing association information relating to one or more association between and selected object in a first computer space and a second computer space, Bat ty et al. being silent on determining whether the association of the selected object with the second computer space is of an extent greater than a predetermined threshold, and Hatori et al. being on interfering with the sharing of the selected object with the second computer space if the association of the selected object with the second computer space is not of an extent greater than a predetermined threshold. Examiner respectfully disagrees. Kenyon et al. clearly shows "storing association information relating to one or more associations between a selected first object in a first computer space and a second computer space" (column 4 lines 3 -8, column 7 lines 10-15) "An overlay provides a user with the means for associating (i.e. associations), digital information, such as a desired document (i.e. first object), with concepts, keywords, other documents (i.e. second computer object) located on the WWW, and annotations. the overlay (i.e. association information) itself is, preferably, a locally stored software artifact such as a file or a set of tables in the database." Kenyon et al. also shows that associations between computer object may have different strengths and that the method of indicating such can be determined by the user (column 7 lines 4-9). Batty et al. clearly shows sharing application programs based on a predetermined threshold (figure 2, column 2 lines 45-61, column 4 lines 8-18). The capabilities of an application program are negotiated according to a predetermined threshold. Hatori et al. clearly shows a file sharing service in which the sharing of files is terminated/disabled based upon a predetermined security level (i.e. threshold) (abstract, paragraph [0010] lines 1 -7 lines 13-17, paragraph [0012], paragraph [0013], paragraph [0021]). Hatori et al. shows the use of use of predetermined thresholds to interfere with access should the threshold not be met. It is also well known in the art that a predetermined threshold value (e.g. associated strength, weight, etc.) can be used as a determining factor in whether or not a specific event (e.g. sharing, access, etc.) is permitted/denied.